

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

WILLIAM CONSALO & SONS FARMS, INC.	:	
	:	
Plaintiff	:	
	:	
v.	:	Civil No. <u>07-cv-6678</u>
	:	
JUNIPER TREE, INC., a/t/a	:	<b>AFFIDAVIT OF COUNSEL</b>
BEST PRODUCE, et al	:	<b>IN SUPPORT OF DEFAULT AND</b>
	:	<b>ENTRY OF ORDER AND</b>
Defendants	:	<b>JUDGMENT</b>

STATE OF NEW YORK    }  
                                  } ss.:  
COUNTY OF NEW YORK }

I, Gregory Adam Brown, being duly sworn on oath, depose and state as follows:

1. I am an associate with the Law Offices of Bruce Levinson, counsel for Plaintiff in the above-captioned action and make this Affidavit in support of default and entry of a order and judgment against Defendants pursuant to the attached Stipulation and Order. I am above the age of majority and do not suffer any disability that would disqualify me from testifying under oath. I make this Affidavit based upon my own personal knowledge.

2. The parties executed their consent to the Stipulation and it was entered by the Court on August 8, 2007. (Doc. 5).

3. The Stipulation and Order required Defendants to pay Plaintiff the principal amount due of \$71,720.18 plus attorneys fees of \$2,000.00 and interest at the rate of 5% per annum.

4. The Stipulation and Order further provides that in the event of default, Plaintiff shall, upon notice to counsel for Defendants, be entitled to file an affidavit of default with the Court, with a copy thereof to Defendants' counsel, and file the previously

executed Joint Motion for Order and Judgment and obtain a Judgment against Defendants for the remaining amount due, plus attorneys' fees, less payments made to Plaintiff, under the trust provisions of the Perishable Agricultural Commodities Act, ("PACA"), 7 U.S.C. § 499e(c)

5. Defendants failed to make the scheduled payments as set forth in the Stipulation and Order. Defendants have paid a total of \$62,000.00. The amount currently due and owing to Plaintiffs is \$9,720.18 in principal, plus original attorneys' fees in the amount of \$2,000.00, additional attorney's fees in the amount of \$1,000.00 related to the default, plus interest of \$1,410.00, for a total amount owing of \$14,130.18.

6. Per the terms of the Stipulation and Order, I am filing herewith the Joint Motion for Entry of Order and Judgment, which is to be entered upon the filing of this Affidavit by Plaintiff's counsel attesting to the fact that Defendants have defaulted under the Stipulation and Order.

I do solemnly declare under the penalties of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

By: 

Gregory Brown  
Law Offices of Bruce Levinson  
747 Third Avenue, 4th Floor  
New York, NY 10017-2803  
(212) 750-9898  
(212) 750-2536 (Fax)

Attorney for Plaintiff

Sworn to before me this  
3rd day of March 2008

  
\_\_\_\_\_  
Notary Public

BRUCE LEVINSON  
Notary Public, State of New York  
No. 31-4730476  
Qualified in New York County  
Commission Expires March 30, 2010